



Flathead County

Planning & Zoning

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MEMO

To: Flathead County Planning Board

From: BJ Grieve, Planning Director

Date: March 25, 2013

RE: FRTA-12-01: Amendments to Flathead County Floodway and Floodplain Management Regulations.

The Flathead County Floodplain and Floodway Management Regulations (Regulations) consist of local regulations adopted in conformance with Montana state law, as well as a Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) provided by the Federal Emergency Management Agency (FEMA) and adopted as part of the Regulations. The Regulations were originally adopted by the Board of Commissioners on August 5, 1984 by Resolution No. 522. Since 1984, from time to time the Regulations have been amended. The most recent revision to the FIRMs was in 2007 when all 72 printed FIRM panels were revised as part of the Digital Flood Insurance Rate Map (DFIRM) adoption process.

In July of 2010, Flathead County received a letter from FEMA explaining that as a result of a congressional inquiry in August of 2008, FEMA had initiated a re-study of the Evergreen area. The letter stated that topographic data had been collected and was being analyzed. In January of 2011 FEMA held a conference call in which they informed us that preliminary results of the re-study indicated that new base flood elevations (BFEs) were likely in the Evergreen area, and that draft versions of the FIRMs would be provided for our community to review. Those preliminary draft maps were provided for review on June 09, 2011. Soon afterwards, FEMA mailed letters directly to approximately 1,000 landowners impacted by changes represented in the preliminary draft maps informing them of a public informational meeting regarding the proposed changes to be held July 28th, 2011 in the Evergreen Middle School gymnasium.

After the meeting, FEMA reviewed information and concerns that had been brought to their attention at the meeting, as well as through direct phone calls and emails to their contractor, Michael Maker Jr. Inc. In December of 2011, Flathead County was informed that after examining the information and concerns, no changes has been warranted or made to the draft preliminary maps. FEMA then proceeded with the map revision process as outlined under federal law, including publication of the base flood elevations in the Federal Register on March 28, 2012 and notified Flathead County of this process in a letter dated April 13, 2012. Notice of the revised base flood elevations was published in the Daily Interlake on April 27, 2012. This local notice initiated a 90-day appeal period.

During the 90-day appeal period, the Flathead County Planning and Zoning Office (FCPZ) served as a location for appeals to be submitted and held until the end of the appeal period. During this time (and throughout the revision process) emails were sent to the local press and members of the public by FCPZ to keep them informed of the process. During the appeal period which ended on July 27, 2012, a total of five (5) appeals were received. On August 06, 2012 the Flathead County Commissioners forwarded these appeals to FEMA, accompanied by a letter from them outlining their concerns with the study. This initiated a protest resolution period in which FEMA and Michael Maker Jr. Inc. reviewed all protests received.

On December 21, 2012 Flathead County received a “Letter of Final Determination” from FEMA informing us that they had received no valid requests for changes and therefore the revised Flood Hazard Determinations (FHDs) were considered final. In the letter, FEMA informed Flathead County that the effective date of the three (3) revised FIRM panels is June 18, 2013 and we have until that date to adopt them. Failure to adopt the revised panels will result in suspension from the National Flood Insurance Program (NFIP).

Attached to this cover letter you will find a copy of the Regulations showing revisions necessary to adopt the revised FIRM panels by June 18, 2013. The revisions include:

- A “housekeeping” revision to Section 1.03 to eliminate redundant language (Page 2).
- A revision to Section 1.04 adding a reference to a new Appendix A that lists the currently effective FIS and FIRM panels with the accompanying effective dates (Page 2).
- A new Appendix A that lists the currently effective FIS and FIRM panels with the accompanying effective dates (Page A1).

The proposed revisions were provided to FEMA and the Montana Department of Natural Resources and Conservation (DNRC) for their review on February 15, 2013., more than 30 days prior to consideration by the Planning Board. On March 04, 2013 our office received a letter from DNRC containing official approval of the proposed revisions to adopt the revised FIRM panels.

The Flathead County Planning Board will conduct a public hearing on the proposed revisions on April 10, 2013 in the 2nd Floor Conference Room of the Earl Bennett Building, located at 1035 1st Ave West in Kalispell. Although a public hearing is not required for adoption of floodplain regulations under MCA, a public hearing is being scheduled with the Planning Board for consistency with previous regulation revisions. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

On February 21, 2013 an email was sent to the “Planning News” email list notifying interested persons of the April 10 public hearing. Notice of the public hearing was posted to the Flathead County Planning and Zoning Office website on March 18, 2013. Legal notice of the public hearing appeared in the March 25, 2013 edition of the Daily Interlake. A copy of the draft Regulations, showing proposed changes, along with a copy of this cover memo was posted to the Flathead County Planning and Zoning Office website on March 25, 2013. The draft document is contained in the file available for public inspection and attached on the CD in the Planning Board packets.

Actions by the Flathead County Planning Board and Board of Commissioners will be documented in subsequent addendums to file # FRTA-12-01.